

Department of Legislative Services
 Maryland General Assembly
 2005 Session

FISCAL AND POLICY NOTE

House Bill 1436 (Delegate McComas)
 Environmental Matters

Motor Vehicles - Motor Scooters, Mopeds, and Minibikes - Prohibition on Highways, Sidewalks, and Public Areas

This bill prohibits motor scooters, mopeds, and minibikes from operating on highways, sidewalks, sidewalk areas, or in public areas, or in other specified areas and repeals provisions related to moped operator permits.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) revenues would decrease by approximately \$2,700 in FY 2006 and \$3,600 annually thereafter due to the Motor Vehicle Administration (MVA) no longer issuing moped operator permits. Minimal general fund revenue increase from the penalty provision applicable to this offense under the Maryland Vehicle Law (maximum \$500 fine). Potential general fund revenue decrease from sales tax revenue from sales of motor scooters, mopeds, and minibikes. Enforcement could be handled with existing resources.

(in dollars)	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
GF Revenue	-	-	-	-	-
SF Revenue	(2,700)	(3,600)	(3,600)	(3,600)	(3,600)
Expenditure	\$0	\$0	\$0	\$0	\$0
Net Effect	(\$2,700)	(\$3,600)	(\$3,600)	(\$3,600)	(\$3,600)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None. Enforcement could be handled with existing resources.

Small Business Effect: Dealers of motor scooters, mopeds, and minibikes would see a significant drop of sales of these vehicles.

Analysis

Bill Summary: A person may only operate a motor scooter, moped, minibike, or any other two- or three-wheeled vehicle, other than a motorcycle or electronic personal assistive mobility devices as authorized by law, on private property with the permission of the property owner.

Footpaths and bicycle trails cannot be used by motor scooters, mopeds, or any two- or three-wheeled motor vehicle. The definition of motor vehicle is amended, and would now include motor scooters and mopeds. A dealer, agent, vehicle salesman, or other person who sells a minibike must inform the buyer that State law prohibits the use of minibikes on highways, sidewalks, sidewalk areas, and any other public property.

All references to motor scooters in conjunction with rules of the road, parking, and equipment are deleted.

Current Law: A minibike is a motor vehicle that has a saddle for the use of the rider, is designed to travel on one or two wheels, and is not subject to motor vehicle registration. The definition of minibikes does not include farm tractors. Any dealer or agent or employee of a dealer, any vehicle salesman, or any other person who sells a minibike must inform the buyer that the use of a minibike on a highway may be illegal.

A moped is defined as a bicycle designed to be operated by human power with the assistance of a motor. It is also equipped with two or three wheels, pedals that mechanically drive the rear wheel or wheels, and either an internal combustion engine of 50 cubic centimeters (ccs) or less, or a motor with a rating of 1.5 brake horsepower or less.

A motor scooter is a two-wheeled nonpedal vehicle, equipped with a seat and a step-through chassis, with either a motor with a 2.7 brake horsepower rating or an engine of 50 ccs or less. A motor scooter is also equipped with an automatic transmission. A motor scooter may not be operated at a speed in excess of 30 miles per hour. This definition does not apply to off-road vehicles or to so-called "pocket bikes," which are miniature motorcycles often equipped with a 49 cc or a 47 cc engine.

Mopeds and motor scooters are not motor vehicles. Each individual operating a moped or motor scooter on any highway in the State must have with the individual: (1) a driver's license for any class of vehicle; or (2) a State moped operator's permit. The MVA must issue a moped operator's permit to an individual:

- who has passed an examination and paid the fee; and
- who is 16 or older, and who does not have a valid driver's license, but whose license or privilege to drive is not revoked, suspended, refused, or cancelled.

A moped operator's permit entitles the holder to operate a motor scooter or a moped and is valid for five years.

A moped is considered a bicycle. Motor scooters and mopeds are permitted to operate on highways and roadways, but must obey rules of the road, parking procedures, and equipment requirements as specified in statute.

A person may only operate a moped on a footpath, bicycle trail, bridle path, or horse trail if the path in question is marked with a sign specifically permitting mopeds on the trail. Sports cycles, trail bikes, and minibikes may not use footpaths or bicycle trails.

Background: Pocket bikes, which would be considered minibikes, are becoming more common. A pocket bike is a miniaturized motorcycle. While some pocket bikes are toys that are clearly marketed as such, others equipped with a 47 to 49 cc engine can exceed speeds of 30 miles per hour. The price of pocket bikes can range from a couple of hundred dollars to over \$2,000 for a racing bike.

Pocket bikes originated as pit bikes, a way for racing pit crews to move quickly between pit areas. As popularity of pocket bikes grew, a culture of pocket bike racing arose on racing tracks. Pockets bikes are now crossing over into the mainstream and are leaving the track.

Many safety advocates have concluded that these bikes should be prohibited from use on the roads. Much like racing motorcycles and race cars, pocket bikes are not "street legal." They lack safety equipment that states and the federal government require for motor vehicles, such as lights. Due to their size, in many states, including Maryland, pocket bikes are not considered motorcycles and therefore are not subject to motorcycle helmet laws. However, helmet laws that apply to bicycles, and thus could apply to pocket bikes, may not afford sufficient protection.

Further, pocket bikes are small – they can fit into the trunk of a car and be picked up. The rider is extremely close to the ground. This makes pocket bikes extremely difficult for drivers of larger motor vehicles to see. There have been at least two deaths attributable to pocket bikes hitting cars. Many municipalities across the country are banning pocket bikes, including Philadelphia, Pennsylvania; Leavenworth, Kansas; and Herrimen, Utah. According to the National Conference of State Legislatures, at least four states are considering bans on pocket bikes on roads.

State Fiscal Effect: The cost of a new moped operator permit is \$45 and the cost of a renewal permit is \$30. The MVA advises that revenues from moped permits totaled \$3,330 in fiscal 2003 and \$3,835 in fiscal 2004. Accordingly, based on the two-year average revenues, TTF revenues would decrease by \$2,687 in fiscal 2006 and \$3,583 annually thereafter.

There would be a minimal increase in general fund revenues due to fine revenue from the penalty provision of the bill. However, the ban of motor scooters, minibikes, and mopeds from highways and public areas is likely to decrease sales of these items. Accordingly, general fund revenue from the 5% sales tax on these items is likely to decline. The magnitude of this decrease is unclear, as it is not known how much demand will decrease. However, as motor scooters and mopeds are intended to be ridden on the streets and have limited appeal for use solely on private property, the decrease in demand for motor scooters and mopeds especially is likely to be significant.

Small Business Effect: Dealers of motor scooters, minibikes, and mopeds would see a significant drop in sales due to the prohibition. This would translate into lost revenue.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): National Conference of State Legislature, *The Daily Item*, Department of State Police, Maryland Department of Transportation, Department of Legislative Services

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